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C O N F I D E N T I A L NAIROBI 005096

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KE](#)  
SUBJECT: DONNING POLITICAL BLINDERS, KIBAKI SWEARS IN NEW  
CABINET AS PLANNED

REF: NAIROBI 4901

Classified By: A/Political Counselor Lisa Peterson for  
reasons 1.4 (b,d)

¶1. (C) SUMMARY: Despite the loss of nearly one quarter of his new appointees, President Kibaki proceeded with the swearing-in of his rump cabinet on December 9. In doing so, the president effectively shut the door on initiating a dialogue with the marginalized parties to create a body that is truly one of political unity. Kibaki's actions demonstrate the extent to which he remains out of touch with the reality of the political situation facing him. END SUMMARY.

PRESIDENT ROLLS ON, UNFAZED  
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¶2. (C) Despite calls for Kibaki to put off the cabinet swearing-in ceremony scheduled for the morning of December 9, it went on as planned, simply passing over cabinet offices whose nominees had declined their appointments. Prior to the ceremony, Nobel Laureate Wangari Maathai, re-nominated to her post of Assistant Minister for Environment (a slight, some say, to not be upgraded to full minister considering her public standing) called for a postponement, urging the President to pause and consult with all of the NARC leadership. At least one of the three FORD-K ministers, Moses Akaranga, Minister of State for Public Service, was present to be sworn in, in spite of his party's decision to not participate in the Kibaki cabinet. Conspicuously absent, however, were Maathai, and Assistant Ministers David Mwenje (Services), Kipkalia Kones (Public Works), Titus Ngoyoni (Regional Development), and Sammy Leshore (Labor). Concluding the event, Kibaki repeatedly referred to the cabinet as his "chosen team" arrived at through a "consultative and inclusive" process.

¶3. (C) The tally of how many ministers and assistant ministers have declined their cabinet job offers remains a moving target. Rumors of more "no thank yous" continue, fuelled by the absences from the swearing-in. The distinct possibility remains that some appointees, those who declined for feeling snubbed or under-compensated, will be wooed back into the Kibaki fold. Listed in this column are all the FORD-K members, Health Minister Charity Ngilu, and Assistant Energy Minister Mwangi Kiunjuri. Ngilu, who has already demonstrated that she is susceptible to enticement, may very well be holding out for a sweeter deal. Former Minister for National Heritage Najib Balala told the DCM on December 8

that he believed Peter Kenneth (Assistant Minister for Financial Management Affairs) and Joshua Toro (Assistant Minister for Roads and Public Works) would also decline their appointments. In addition, Assistant Minister for Planning, Ekwee Ethuro, declined his nomination on December 8.

#### KIBAKI HUDDLE

14. (C) As news of cabinet nominees' refusal to join trickled in on December 8, the president met with several of his trusted advisors to develop a response to the mounting political crises. Rumored to have been present at the meeting are Permanent Secretary in the Office of the President Stanley Murage, Minister for Special Programs (and Kibaki confidant) Njenga Karume, Vice President Moody Awori, Attorney General Amos Wako, and Head of the Civil Service and Secretary to the Cabinet Francis Muthaura. The plan of

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action from this inner circle was clearly to move ahead, ignoring any suggestions that dialogue and outreach were necessary.

#### ORANGES FIRED UP

15. (C) Reacting to their not unexpected exclusion from the new cabinet, Orange Democratic Movement (ODM) leaders renewed their call for snap general elections, while continuing to hold the door open for Kibaki to invite them in. According to December 9 media reports, Uhuru Kenyatta stated that the president still had an opportunity to reach out. If he did not, the ODM would "immediately call for elections to bring leadership and direction back to Kenya." The ODM also called off its planned December 10 victory rally in Mombasa, which

the government had banned (Ref A). ODM key figure William Ruto explained that the group canceled the event because of security concerns. He accused security forces of planning to "unleash terror on the public." In his discussion with the DCM, Balala was somber about the new cabinet, describing the unfolding events as "dangerous," which was why the group had chosen to cancel the rally. He nevertheless indicated that some nominees' refusal to join cabinet was cause for mild celebration within the ODM. Balala went so far as to state that ODM could form an alliance with FORD-K, but only to work on constitutional matters.

#### COMMENT

16. (C) It was evident from the makeup of the group Kibaki called in to huddle that there would be no dramatic change of course in the president's plans for his cabinet, one which would bring him to finally reach out to the ODM. Kibaki appears intent to stay the course which, based on his remarks on December 7 and at the swearing-in, is a renewed commitment to economic development. Kibaki's public professions of concern for the economic well-being of Kenya seem designed to distract the public from the bitter constitutional debate. In choosing this tactic, he is effectively closing the door to the constitutional dissenters and any possibility of a reconciled and unified government.

17. (C) The question of how to fill the holes left by nominees' refusals remains unanswered. As Kibaki has ignored the suggestion from multiple quarters to engage in a truly consultative process, his remaining options are to re-approach some of the no-shows who may be amenable to more attractive offers, call in his second string choices to fill in the vacancies, or distribute the open portfolios to the "loyal" nominees who have accepted their posts. The planned ODM rally for December 10 could have served as a platform for the ODM to challenge Kibaki's new government and call for new elections, but also could have turned ugly. The manner in which the ODM canceled - placing the onus for its decision on the government's actions - allowed it to avoid the appearance

of weakness. It also cast the government in a poor light, recalling images of Moi-era use of force (or threats thereof) to prevent public debate. The ODM's strategy is not clear at this time, but we do not expect them to sit quietly by as Kibaki tries to pretend there are no political problems in the country. END COMMENT.  
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